

Remarks:

The Declaration of Commercial Success (re-attached for convenience) submitted along with the response filed on August 25, 2008 referred to Tabs A and B, which are attached to this submission. Tab A includes to articles that describe the success that surgeons are having with the claimed invention. Tab B includes declarations from surgeons who have successfully used the invention claimed in this application, which are also attached. These declarations are further evidence of the commercial success and the long-felt need that the invention has solved for craniofacial surgeons. The declarations specifically refer to the claim language, and thus provide the required nexus between the commercial success evidence presented and the claimed invention.

Because it is well-settled that evidence of secondary considerations must always be considered en route to a determination of obviousness, *see e.g., Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 1538 (Fed. Cir. 1983), Applicant respectfully requests that the Examiner consider the attached materials and issue a patent containing the pending claims in due course. If there remain any additional issues to be addressed, the Examiner is invited to contact the undersigned.

Respectfully submitted,

/Kristin M. Crall 46,895/

Kristin M. Crall

Reg. No. 46,895

KILPATRICK STOCKTON LLP
1100 Peachtree Street
Suite 2800
Atlanta, Georgia, 30309-4530
404.815.6147